

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 SAN JOSE DIVISION

4 UNITED STATES OF AMERICA,	)	No. CR 05-00681 JF
	)	
5 Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER CONTINUING CASE AND
6 v.	)	EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT, 18 U.S.C. § 3161
7	)	
8 FELIX LEYVA-ANAYA,	)	
a/k/a Felix Leyva,	)	
9 Defendant.	)	
10	)	

11 This matter was set for Wednesday, February 7, 2007 for setting or disposition. Plaintiff  
 12 United States of America, by and through Assistant United States Attorney Matthew A.  
 13 Lamberti, and defendant Felix Leyva-Anaya, by and through his counsel Mary E. Conn, hereby  
 14 AGREE AND STIPULATE that this matter be continued from February 7, 2007 at 9:00 a.m. to  
 15 February 21, 2007 at 9:00 a.m.

16 The parties also AGREE AND STIPULATE that the period of time from February 7,  
 17 2007 through and including February 21, 2007, shall be excluded from the period of time within  
 18 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* because Mary  
 19 E. Conn recently replaced Cynthia C. Lie as defense counsel, Ms. Conn has other court  
 20 appearances the morning of February 7, 2007, and the defendant need additional time for  
 21 continuity of counsel and effective preparation and investigation.

22  
 23 DATED: 2/6/07

KEVIN V. RYAN  
 United States Attorney

/s/

25  
 26 MATTHEW A. LAMBERTI  
 Assistant United States Attorney

/s/

27 DATED: 2/6/07

28 MARY E. CONN  
 Counsel for the Defendant

[PROPOSED] ORDER

Based upon the foregoing, and good cause appearing therefor, the Court finds pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B), that the interests of justice in granting this continuance outweigh the defendant's and the public's interests in a speedy trial inasmuch as Mary E. Conn recently replaced Cynthia C. Lie as defense counsel, Ms. Conn has other court appearances the morning of February 7, 2007, and the defendant need additional time for continuity of counsel and effective preparation and investigation.

IT IS HEREBY ORDERED THAT this matter be continued from February 7, 2007 at 9:00 a.m. to February 21, 2007 at 9:00 a.m.

IT IS FURTHER ORDERED that the period of time from February 7, 2007 through and including February 21, 2007 be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

IT IS SO ORDERED.

DATED: 2/7/07

  
\_\_\_\_\_  
HON. JEREMY FOGEL  
United States District Judge

Copies to be served on:

MATTHEW A. LAMBERTI  
Assistant United States Attorney  
150 Almaden Boulevard, Suite 900  
San Jose, California 95113

MARY E. CONN  
55 River Street, Suite 100  
Santa Cruz, California 95060